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| APPLICATION NO.                                | FILING DATE    | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |  |
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| 10/775,252                                     | 02/11/2004     | Galyn A. Schulz      | 02734.0492-00000        | 1102             |  |
| 22852 7:                                       | 590 12/06/2006 |                      | EXAM                    | EXAMINER         |  |
| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER |                |                      | HUG, ERIC J             |                  |  |
| LLP<br>901 NEW YOR                             | RK AVENUE, NW  |                      | ART UNIT                | PAPER NUMBER     |  |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary    Examiner   |   | Application No.  | Applicant(s)  |  |  |  |  |
|---|---|--|---|--|--|--|--|
| Eric Hug  |   | 10/775,252   | SCHULZ, GALYN A.  |  |  |  |  |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Eatentools of time may be swelsted under the provisions of 3 CPR 1.1380, in owner, however, may a reply be intently find the control of the provision of 3 CPR 1.1380, in owner, however, may a reply be intently find of the communication of the provision of the provision of the communication of the provision of the communication.  Fallur to reply a specified above, the maximum statutory parted will apply and will apply and solid payins 3 (8) MONTHS from the mailing date of this communication.  Fallur to reply within the sor overandop period for raply with systation, cause in application from the mailing date of this communication, even if limiting the mailing date of this communication, even if limiting the mailing date of this communication, even if limiting the mailing date of this communication, even if limiting the mailing date of this communication, even if limiting the communication.  1) □ Responsive to communication(s) filled on 24 October 2006.  2a) □ This action is FINAL. 2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1:33 stare pending in the application.  4a) □ Claim(s) 1:33 stare allowed.  6) □ Claim(s) 1:13 stare all 1-15 is lare rejected.  7) □ Claim(s) 1:13 stare all 1-15 is lare rejected.  7) □ Claim(s) 1:13 stare all 1-15 is lare rejected.  7) □ Claim(s) 1:13 stare allowed.  8) □ Claim(s) 1:13 stare allowed.  8) □ Claim(s) 1:15 stare allowed.  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on 11:February 2004 is/are: a) □ accepted or b) □ objected to by the Examiner | Office Action Summary   | Examiner   | Art Unit  |  |  |  |  |
| Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extractions of time may be available under the provisions of 37 CFA 1.38(a). Into event, horevers, may a major be timely filed.  Extractions of time may be available under the provisions of 37 CFA 1.38(a). Into event, horevers, may a major be timely filed.  Extractions of time may be available under the provisions of 37 CFA 1.38(a). Into event, horevers, may a major be timely filed.  Extraction of time the set or extended period for reply will, by status, cause the application to become AlarADONED (35 U.S.C. § 133). Any reply recorded by the office and status the making date of this communication, even if array filed, may reduce any available to the making date of this communication, even if array filed, may reduce any active provision of the set of the supplication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ○ Claim(s) 1.33 is/are pending in the application.  4a) Of the above claim(s) 1.10 and 17.33 is/are withdrawn from consideration.  5) □ Claim(s) 1.12 sard 14.16 is/are rejected.  7) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on 11 February 2004 is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abovance. See 37 CFR 1.85(a).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * ○ □ None of:  1. □ Certified copie |   |  |   |  |  |  |  |
| WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extressors of tem may be available under the provides of 37 CFR 1.19(a), in to event however, may a repy the timely filed after 50 (8) MONTHS from the mailing date of this communication.  Failine to travely within the act or extended provide for may will be platule. Several temperature of the communication of the communication of the provided of the communication of the communication of the communication of the communication and the communication and the communication and the communication of the commun |   |  |   |  |  |  |  |
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| A) Claim(s) 1-33 is/are pending in the application.  4a) Of the above claim(s) 1-10 and 17-33 is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 11.12 and 14-16 is/are rejected.  7) Claim(s) 12 is/are objected to.  8) Claim(s) 13 is/are objected to.  8) Claim(s) 13 is/are objected to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filled on 11 February 2004 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the dawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Torwing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/S8/08)   | 3) Since this application is in condition for allowar   |  |   |  |  |  |  |
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| 5)  Claim(s) is/are allowed. 6)  Claim(s) 11,12 and 14-16 is/are rejected. 7)  Claim(s) 12 is/are objected to. 8)  Claim(s) 13 is/are objected to. 8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on 11 February 2004 is/are: a)  accepted or b)  objected to by the Examiner.   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)  All b)  Some * c) None of: 1.  Certified copies of the priority documents have been received. 2.  Certified copies of the priority documents have been received in Application No 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  Notice of References Cited (PTO-892) Notice of Taritsperson's Patent Drawing Review (PTO-948) 3  Information Disclosure Statement(s) (PTO/SB/08)  | 4)⊠ Claim(s) 1-33 is/are pending in the application.  |  |   |  |  |  |  |
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| Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☑ Information Disclosure Statement(s) (PTO/SB/08)  |   |  |   |  |  |  |  |
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| a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☑ Information Disclosure Statement(s) (PTO/SB/08)  1 ☐ Notice of Informal Patent Application  | Priority under 35 U.S.C. § 119  |  |   |  |  |  |  |
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| o) Ed information bisdostic distribution (i. 1979)  | 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  Paper No(s)/Mail Date.   |  |   |  |  |  |  |
|   | atent Application   |  |   |  |  |  |  |

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### **DETAILED ACTION**

#### Election/Restrictions

Applicant's election with traverse of claims 11-16 in the reply filed on October 24, 2006 is acknowledged. The traversal is on the grounds that the subject matter of the claims within each of the groups overlaps to such an extent that examination of all groups of claims would not present a serious burden on the examiner. Although the search required for the subject matter of one group may overlap the subject matter of another, given the broad scope of the claimed inventions, the amount of expected overlap is considered to be minimal compared to the large number of embossing methods/systems in the prior art which produce embossed webs (paper or otherwise) and fit within the scope of the claims. A search of any one invention involves a search for different subject matter and within different classifications, and could yield results not commensurate with any of the other inventions (for example, see the references applied below). Therefore a serious burden exists on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

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# Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 1. Claims 11 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Murji et al (US 5,387,385). See Figure 1 where Murji discloses an embossed web having three debosses. Deboss 34 is in the cross-machine direction. Deboss 40 is in the machine direction. Deboss 28 is a perforate embossment in the machine direction.
- 2. Claims 11, 12, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Schulz (US 5,383,778). See Figure 5A where Schulz discloses an embossed web having three debosses. Deboss 102 is a perforation in the cross-machine direction. Deboss 104 comprises two debosses of about equivalent number in the cross-machine direction and in the machine direction.
- 3. Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauernfeind (US 4,759,967). See Figure 3 where Bauernfeind discloses an embossed web having three debosses. Two of the debosses are oriented in the cross-machine direction (black and white individual ovals). Those making up the shamrock are oriented at an angle to the machine direction.

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4. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Burt (US 4,671,983). See Figure 2b where Burt discloses an embossed web having three debosses, one of which is oriented in the cross-machine direction (12) and two oriented at opposite angles to the machine direction (16, 18).

5. Claims 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers (US Des. 264,512). The figure of Rogers shows an embossed tissue web having three debosses, including one line-shaped deboss oriented in the cross-machine direction, one line-shaped deboss oriented in the machine direction, and one circular-shaped deboss.

## Allowable Subject Matter

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 13 is allowable for providing three debosses all in the cross-machine direction.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

im by

Eric Hug